

BOARD OF COAL MINING EXAMINERS

SUMMARY OF MEETING

NOVEMBER 4, 2008

The following is a summary of the November 4, 2008 Meeting:

I. Meeting called to order at 9:04 AM by Frank Linkous, Chairman. Members present were Gerald Kendrick, Joseph Buchanan, Arvil McConnell, Jr. and Ricky O'Quinn. Also present were Sharon Pigeon, Senior Assistant Attorney General and Mary Gibson, Regulatory Boards Administrator.

II. Opening statement delivered by Frank Linkous, Chairman

III. Motions made and seconded to accept November 7, 2008 meeting agenda and approve October 7, 2008 meeting minutes. All members were in favor to approve.

IV. Review of Traditional Case for Violation of Safety Laws (Open Session)

DM Inspector J. E. Brown, Jr. presented testimony regarding violations of the Mine Safety Act by an individual who was unable to attend the meeting. The Board, after hearing the testimony, unanimously agreed to suspend the miner certification and gas detection certification of the individual, and to move the matter to the next Board hearing for further testimony and action.

V. Review of Virginia Substance Abuse Cases (Closed Session)

Of the cases that resulted in hearings, evidence was taken by the Board in closed session, pursuant to Virginia Code §§ 2.2-3711(A)(4) and 45.1-11.35(E). In the closed session, the Board worked out agreements, allowing individuals to return to work conditionally, and took other disciplinary actions including revocation of all certifications held by miners.

VI. Open Agenda

There were no items for discussion in the open agenda.

VII. Next Meeting

Next meeting will be December 2, 2008.

VIII. Adjournment

Meeting adjourned at 3:40 PM.